

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                  |   |                 |
|----------------------------------|---|-----------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                 |
|                                  | ) | <b>8:08CR18</b> |
| <b>Plaintiff,</b>                | ) |                 |
|                                  | ) |                 |
| <b>vs.</b>                       | ) | <b>ORDER</b>    |
|                                  | ) |                 |
| <b>GLENN NICKERSON, JR.,</b>     | ) |                 |
|                                  | ) |                 |
| <b>Defendant.</b>                | ) |                 |

On December 26, 2007, after granting the joint motion of counsel for defendant Glenn Nickerson, Jr. (Nickerson) and counsel for the government, the court ordered the defendant be committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. §§ 4241 (Filing No. 13).

The psychological evaluation was completed by the staff of the Federal Detention Center, Englewood, Colorado (FDC-Englewood). An evaluation was performed by Jeremiah Dwyer, PhD. (Dr. Dwyer), Forensic Psychologist at FDC-Englewood. The forensic evaluation report, dated March 12, 2008 (Filing No. 21 - Sealed), was provided to counsel for the government and the defendant. The defendant was returned to the District of Nebraska for hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on April 7, 2008. The defendant was present together with his counsel, Glenn A. Shapiro. The United States was represented by Assistant U.S. Attorney Douglas R. Semisch.

The parties stipulated that the court receive and consider the report of Dr. Dwyer (Filing No. 21 - Sealed). Nickerson was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Nickerson declined to present any evidence. No further evidence was presented by either side.

The FDC-Englewood evaluation diagnoses Nickerson as follows: Axis I: 298.9 - Rule-Out Psychotic Disorder, N.O.S.; 314.01 - Attention Deficit/Hyperactivity Disorder, predominantly Hyperactive-Impulsive Type, By History (ADHD); 315.00 - Reading Disorder, By History; Axis II: 301.7 - Antisocial Personality Disorder; Axis III: None. The forensic evaluation was made on March 12, 2008, after observation and interviews with Nickerson

at FDC-Englewood from January 24, 2008, through the date of the report. In a very thorough report, Dr. Dwyer concluded Nickerson does not suffer from a mental disease or defect which would interfere with Nickerson's ability to understand the proceedings against him or assist counsel in Nickerson's defense.

Based upon a review of the forensic report submitted, I find the defendant, Glenn Nickerson, Jr. is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense.

**IT IS ORDERED that**, pursuant to 18 U.S.C. § 4241, the defendant, Glenn Nickerson, Jr., is mentally competent to understand the nature and consequences of the proceeding against him and to assist properly in his defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

DATED this 7th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge